IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 13812 of 1994

Between:

The Depot Manager, A.P.S.R.T.C., Warangal Depot.

..... PETITIONER

AND

1 R.V. Rajan, Ex.Conductor, E.36556,

Mulakanoor, Bheemadevarapalli, Karimnagar District.
2 The Industrial Tribunal Cum-Labour Court, Warangal,

rep., by its Presiding Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction specially in the nature of certiorari calling for the records pertaining to the order in E.P.No.65/93 dated 14.6.1994 on the file of Industrial Tribunal cum Labour Court, Warangal and quash the same as being illegal, arbitrary and unjust.

Counsel for the Petitioner:MR.K.HARINATH

Counsel for the Respondent No.1 : Mr. R.N. Reddy

Counsel for the Respondent No.2 : GP FOR LABOUR

The Court made the following :

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O R D E R:-

This Writ Petition is filed challenging the Order dated 14-06-1994 passed by the Industrial Tribunal cum Labour Court at Warangal in E.P.No.65 of 1993.

2. The first respondent was working as a Conductor. While so, his services were terminated by the Management on 15-12-1978. Thereupon, he filed I.D.No.174 of 1987 before the Tribunal referred to above. The Tribunal passed an Order dated 24-04-1994 directing the respondent management to reinstate the first respondent into service with continuity of service and back wages at 75%. Against the said Award, the Management filed W.P.No.704 of 1990 and the same was dismissed on 15-03-1993. Again they carried the matter in Writ Appeal No.196 of 1994 and the same was also dismissed on 16-03-1994. Thereafter, application was filed in E.P.No.65 of 1993 for calculation of the wages in pursuance of the Award of the Tribunal in I.D.No.174 of 1987. The learned Tribunal after considering the matter disposed of the E.P.No.65 of 1993 with the following direction:

> "In the result, the respondent is directed to calculate 75% of back wages of the petitioner from 23-09-1977 to 22-01-1990 by giving annual increments increased D.A. percentage and also at the revised pay scales from 01-04-1989 and from the total amount so arrived at, the respondent has to deduct Rs.19,413/- which was already deposited and the balance amount is to be paid by 29-06-1994."

3. Aggrieved by the said Order, the present Writ Petition has been filed by the Management.

4. The learned counsel for the A.P.S.R.T.C. contended that the Order is not sustainable in law. Inasmuch as, the very direction to grant 75% back wages is

illegal and arbitrary. I am afraid that I cannot accept this contention. The Award has become final and enforceable in view of the orders passed by this Court in W.P.No.704 of 1990 and W.A.No.196 of 1994. In view of this, the direction passed by the Tribunal in E.P.No.65 of 1993, dated 14-06-1994 cannot be said to be illegal and arbitrary. Hence, I find no merits in this Writ Petition.

5. Accordingly, the Writ Petition is dismissed. No costs.

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G.BIKSHAPATHY, J

Dated: 09-09-2004

Prv/ccm

To

1. The Presiding Officer, The Industrial Tribunal Cum-Labour

Court, Warangal,

2 2CCs to GP for Labour, High Court Buildings, Hyderabad

(O.U.T.).

3 2CD copies